

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KD, Parent, Natural Guardian and Next
Friend of; and JD, Parent, Natural
Guardian and Next Friend of;

Plaintiffs,

vs.

DOUGLAS COUNTY SCHOOL
DISTRICT NO. 001, DANIEL
BARTELS, BRIAN ROBESON, JOE
DOE, and JANE DOE,

Defendants.

8:17CV285

ORDER

Defendant Douglas County Public School District No. 001, a/k/a Omaha Public Schools (OPS) has moved to strike Plaintiff's demand for a jury trial on Plaintiffs' Third Claim brought under the Nebraska Political Subdivisions Tort Claims Act. (Filing No. 63). Plaintiffs concede that a jury trial is not permitted on their Third Claim, but further argue that only one trial should be held as to all alleged claims, with the jury's factual findings providing an advisory determination on the Third Claim. (Filing No. 66).

The question of whether the jury's findings on Plaintiffs' First, Second, Fourth, Fifth and Sixth claims would assist the presiding judge in deciding the merits of the Third Claim is best answered on a fully developed record, taking into consideration the extent of overlapping factual issues between the Third claim and all other alleged claims and the risk of inconsistent outcomes.

Accordingly,

1) OPS' motion to strike the jury demand as to Plaintiffs' Third claim for recovery under the Nebraska Political Subdivisions Tort Claims Act, (Filing No. 63), is granted.

2) A single trial will be held as to all of Plaintiff's claims.

3) The court will not currently address Plaintiffs' request that the jury render an advisory determination on the Third Claim.

Dated this 5th day of September, 2018.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge